

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, JUNE 6, 2005  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:12 p.m. Mayor Murphy recessed the meeting at 3:57 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:08 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:34 p.m. for the purpose of a break and then later convened the Budget Review Committee at 5:51 p.m. Mayor Murphy reconvened the regular meeting at 8:09 p.m. with Deputy Mayor Zucchet and Council Member Inzunza not present. Mayor Murphy adjourned the regular meeting at 8:16 p.m. into the Budget Review Committee.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Lane (ek)

FILE LOCATION:                      MINUTES

**ITEM-1: ROLL CALL**

Clerk Lane called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

**ITEM-10: INVOCATION**

Invocation was given by Deacon Michael Maria of  
Santa Sophia Catholic Church.

FILE LOCATION: MINUTES

**ITEM-20: PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Brian Maienschein.

FILE LOCATION: MINUTES

**ITEM-30: Philippine Independence Anniversary Week.**

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1235) ADOPTED AS RESOLUTION R-300486

Recognizing the 107<sup>th</sup> anniversary of Philippine independence from Spain, and the ongoing efforts of the Council of Philippine American Organizations of San Diego County, Incorporated, the City of San Diego Filipino-American Employees Association, and others, to raise awareness of Filipino culture and heritage within our community;

Proclaiming June 5-11, 2005, to be “Philippine Independence Anniversary Week” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:18 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Approval of Council Minutes.

**TODAY’S ACTION IS:** APPROVED

Approval of Council Minutes for the meetings of:

05/02/2005 – Special Meeting  
05/03/2005

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:15 p.m. – 2:15 p.m.)

MOTION BY MADAFFER TO APPROVE. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

CLOSED SESSION:

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Border Business Park v. City of San Diego***  
Appellate Case No. D039225; SDSC Case No. GIC 692794  
*Otay Acquisitions v. City of San Diego*  
SDSC Case No. GIC 753247  
*National Enterprises, Inc. v. City of San Diego*  
SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: Girard

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 7, 2005**

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

**Mayor Murphy closed the hearing.**

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

**CS-2 *Clark v. City of San Diego, et al.***  
San Diego Superior Court No. GIC 834061

ACA assigned: Katz

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 7, 2005**

This case involves a claim filed by an employee of the City of San Diego. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss a settlement demand.

**Mayor Murphy closed the hearing.**

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:35 p.m. – 2:35 p.m.)

**Conference with Legal Counsel – anticipated litigation – initiation of litigation, pursuant to California Government Code section 54956.9(c):**

**CS-3 *Redevelopment Agency v. McKinnon Properties***

DCA assigned: Silva

**REFERRED TO CLOSED SESSION ON TUESDAY, JUNE 7, 2005**

This matter involves an Amended and Restated Owner Participation Agreement between the Redevelopment Agency [Agency] and McKinnon Properties, Inc., and approved by the City of San Diego [City]. McKinnon Properties, Inc. has purported to terminate the agreement, which the Agency and City have rejected. The Agency and City have issued a Notice of Default. The City Attorney will be briefing the City Council on the status of the matter and seeking appropriate direction.

**Mayor Murphy closed the hearing.**

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:36 p.m. – 2:36 p.m.)

\* ITEM-50: Skyline Hills Townhomes Rezone Located on the East Side of Meadowbrook Drive North of Paradise Valley Road.

(Skyline-Paradise Hills Community Plan Area. District 8.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/24/2005, Item 332, Subitem C. (Council voted 7-0. Councilmembers Zucchet and Inzunza not present.):



(O-2005-132) ADOPTED AS ORDINANCE O-19385 (New Series)

Changing a 5.2-acre site, located on the east side of Meadowbrook Drive, north of Paradise Valley Road, in the Skyline-Paradise Hills Community Plan Area, in the City of San Diego, California, from the RS-1-7 Zone into the RM-1-1 Zone, as defined by San Diego Municipal Code Section 131.0406.

FILE LOCATION: LUP-Skyline Hills Townhomes, 5/24/05 (65)

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-51: Amending the San Diego Municipal Code by Adding Division 41 Relating to Wages and Health Benefits.

(See City Manager Report CMR-05-090.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was reintroduced on 5/24/2005, Item S505. (Council voted 5-4. Councilmembers Peters, Maienschein, Madaffer, and Mayor Murphy voted nay):

(O-2005-9 Rev.) ADOPTED AS ORDINANCE O-19386 (New Series)

Amending Chapter 2, Article 2 of the San Diego Municipal Code by adding Division 41, relating to wages and health benefits for certain categories of persons employed by businesses that contract with the City, receive financial assistance from the City, or work at certain sports, entertainment, or convention facilities in the City of San Diego. In particular, this Ordinance provides that employers covered by Division 41 shall pay covered employees a wage of no less than \$10.00 per hour if the health benefits rate is paid, or no less than \$12.00 per hour if the health benefits rate is not paid; and provide certain compensated and uncompensated time off for sick leave, vacation, or personal necessity leave. This

Ordinance also provides reporting and notification requirements and enforcement provisions.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:31 p.m. – 2:34 p.m.)

MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

\* ITEM-52: First Amendment to Right-of-Way Use Agreement with NextG Networks of California, Inc.

(See City Manager Report CMR-05-082.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/23/2005, Item S401. (Council voted 9-0):

(O-2005-111) ADOPTED AS ORDINANCE O-19387 (New Series)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a First Amendment to the Nonexclusive Right-of-Way Use Agreement between the City of San Diego and NextG Networks of California, Inc., under the terms and conditions set forth in the First Amendment to the Nonexclusive Right-of-Way Use Agreement.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-53: Joint Use Agreement with the San Diego Unified School District for the Construction, Operation, Maintenance, and Lease of Turfed Fields at Vista Grande Elementary School.

(Tierrasanta Community Area. District 7.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-128) INTRODUCED, TO BE ADOPTED MONDAY, JUNE 20, 2005

Introduction of an Ordinance authorizing the City Manager to execute an agreement with the San Diego Unified School District (SDUSD), for the construction, operation, maintenance and lease of joint use facilities at Vista Grande Elementary School, under the terms and conditions set forth in that agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Vista Grande Elementary School is located at 5606 Antigua Boulevard in the Tierrasanta Community. The community has requested development of the existing 4.2-acre field into 2.56 acres turfed multi-purpose field, .18 acre skinned infield, .16 acre stabilized decomposed granite running track and 1.2 acres decomposed granite field. This project will help to satisfy the community's and school district's recreational and athletic program needs. The General Development Plan has been approved through the Park and Recreation Department approval process.

The City and SDUSD have been cooperating in the use of numerous recreational facilities in accordance with the City-SDUSD Recreation Agreement of September 1948, and the Memorandum of Understanding Between the City and SDUSD for the Development and Maintenance of Joint Use Facilities (MOU) adopted by the San Diego City Council on October 7, 2002 (Resolution No. 297149) and by the District's Board of Education on October 8, 2002.

The proposed turf fields at Vista Grande Elementary School will be developed and maintained through this twenty-five (25) year no fee lease and joint use agreement with the San Diego Unified School District (SDUSD). The terms of the agreement allow for the development, operation, and maintenance of irrigated and turfed multi-use playing fields and walking/running track.

**FISCAL IMPACT:**

There is no fiscal impact with this joint use action. However, the total project capital cost is estimated at \$1,200,000. Funding is available in CIP-29-656.0 Vista Grande Elementary School-Joint Use Improvements, Tierrasanta Facilities Benefit Assessment Fund No. 79005.

The Vista Grande project is a new facility that will require between \$6,500 and \$9,500 an acre in annual operating costs. New operation and maintenance funding was not proposed in the FY'06 budget. Therefore, the annual maintenance costs are proposed to come from reallocating existing Park And Recreation Department Community Parks II Operating Budget. These demands will require staff from surrounding non-MAD park sites to do maintenance at the new joint use area.

Herring/Oppenheim/AP

Staff: April Pendera – (619) 525-8223  
Shannon M. Thomas – Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-54: License Agreement with Hickman Youth Athletic Association, Inc. for the Use of Hickman Youth Fields and the Right to Construct Improvements.

(Kearny Mesa Community Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-137) INTRODUCED, TO BE ADOPTED MONDAY, JUNE 20, 2005

Introduction of an Ordinance authorizing the City Manager to execute, for and on behalf of the City of San Diego, a License Agreement with Hickman Youth Athletic Association, for the use of Hickman Youth Fields and the right to construct improvements thereon for a twenty-five year term, under the terms and conditions as set forth in the License Agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

The Hickman Youth Fields are located at 6660 Hickman Field Drive in the Kearny Mesa Community Planning Area.

On January 26, 2001, the City received title to Hickman Youth Fields as part of a land transfer between the United States Navy and the City, see approved City Council Resolution No. R-267203, December 8, 1986. The Hickman Youth Athletic Association, Inc., a non-profit volunteer organization since 1969, has developed and managed Hickman Youth Fields for youth sports activities. In addition, the Hickman Youth Athletic Association has been financially responsible for the maintenance of the area, except that the water for the park has been paid for by the City since about 1982 pursuant to Council Policy 700-03, Use Of City-Owned Land by Youth Sports Organizations. The proposed License Agreement allows the Hickman Youth Athletic Association to continue to manage the property to provide athletic facilities and opportunities for the City's youth and to construct, with Park and Recreation Department approval, additional capital improvements at the site. The Hickman Youth Athletic Association has been working with the City on its current plans to build an activity center, a field house and additional parking, as well as to bring the existing facilities into compliance with all local, state and federal laws and regulations.

The License Agreement has been approved by the Secretary of the Interior for the United States as required by the Quitclaim Deed.

**FISCAL IMPACT:**

Hickman Youth Athletic Association provides maintenance and operation services as stated above. There will be no additional cost to the City with this action.

Herring/Oppenheim/AP

Staff: Deborah Sharpe – (619) 525-8261  
Carrie L. Gleeson – Chief Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:30 p.m. – 2:30 p.m.)

MOTION BY FRYE TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-60: Two actions related to Amendment No. 3 to the Agreement with Lee & Ro, Inc. for Design Services for Point Loma Wastewater Treatment Plant Grit Improvement Project.

(Point Loma Community Area. District 2.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2005-126) TRAILED TO TUESDAY, JUNE 07, 2005

Introduction of an Ordinance authorizing the City Manager to execute Amendment No. 3 to the Agreement to re-phase \$300,000 of the amount authorized in Amendment No. 2 from FY 2005 to FY2007 for design services in connection with the Grit Processing Improvement Project (the Project).

Authorizing the City Manager to approve a revised phase funding schedule for the Agreement in the following manner, provided that the City Auditor and Comptroller first furnishes a certificate or certificates demonstrating that the funds necessary for expenditure under the Agreement as amended are, or will be, on deposit in the City Treasury, and contingent upon the passage of the FY 2007 Capital Improvement Program budget and Appropriation Ordinance:

Phase 1 - \$500,000 FY 2004 (previously authorized by R-297457)

Phase 2 - \$300,000 FY 2007 (contingent upon Council approval of the FY 2007 Budget)

Subitem-B: (R-2005-1138) TRAILED TO TUESDAY, JUNE 07, 2005

Stating for the record that the Third Amendment is a subsequent discretionary approval of the Project addressed in E.I.R. Addendum No. 42-0358 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in EIR Addendum 42-0358, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the Third Amendment does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

**CITY MANAGER SUPPORTING INFORMATION:**

On December 5, 2000, the City Council approved the original agreement with Lee & Ro, Inc. to provide engineering services for the Grit Processing Improvement Project (GIP) at the Point Loma Wastewater Treatment Plant. Myong H. Ro is the sole shareholder of Lee & Ro, Inc, a California corporation. In January of 2001, a no cost Amendment No. 1 was executed to correct the fee distribution for the scope of work. On December 9, 2002, Resolution R-297457 authorized Amendment No. 2 in the amount of \$800,000 for additional engineering design services.

Phase 2 of Amendment No. 2 required an encumbrance of \$300,000 prior to the end of FY 2005. This money is not needed at this time due to the funding related delay of the GIP project. Amendment No. 3 is requested to reallocate the encumbrance of the phase 2 funding until FY 2007 when it is anticipated that this money will be needed.

**FISCAL IMPACT:**

This Amendment will re-phase \$300,000 authorized in Amendment No. 2 from FY 2005 to FY 2007. Funding is available from Fund 41508, CIP-45-943.0, and Point Loma - Grit Processing Improvements in FY 2007 for \$300,000 contingent upon Council approval of the FY 2007 Capital Improvement Program and Appropriation Ordinance Budgets.

Mendes/Tulloch/AKS

Staff: Jim Wageman – (858) 221-8307  
James W. Lancaster – Deputy City Attorney

FILE LOCATION: SUBITEMS A & B: NONE

COUNCIL ACTION: (Time duration: 8:15 p.m. – 8:15 p.m.)

- \* ITEM-100: Grant Application to State of California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for the Montgomery Waller Community Park Sports Field Lighting Project.

(Otay Mesa/Nestor Community Area. District 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1149) ADOPTED AS RESOLUTION R-300487

Authorizing the City Manager to make an application to the State of California for \$65,000 in (Roberti-Z'berg-Harris Per Capita or Per Capita) funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, for construction of Montgomery Waller Sports Field Lighting (Project);

Authorizing the City Manager to take all necessary actions to secure funding from the State of California for Montgomery Waller Sports Field Lighting;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend funds if grant funding is secured;

Amending the Fiscal Year 2005 Capital Improvements Program Budget in CIP-29-866.0, Montgomery Waller Sports Field Lighting, by increasing the budget amount by \$65,000;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$65,000 from CIP-29-866.0, Montgomery Waller Sports Field Lighting, 2002 Resources Bond per Capita funding for the construction of the Project, contingent upon receipt of a fully executed grant agreement;

Authorizing the City Auditor and Comptroller to establish a special-bearing fund for the grant.



**CITY MANAGER SUPPORTING INFORMATION:**

In March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond "Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond)". On December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita/RZH Per Capita funds to each council district, with a portion of the funding set aside for projects with citywide and regional impact. On February 20, 2004, the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita/RZH Per Capita Grant Program.

This action authorizes the City Manager to apply for \$65,000, a portion of the 2002 Resources Bond (Per Capita or RZH Per Capita) funding allocated to Council District 8. The funds will be used for installation of sports field lighting at an existing multi-use turf sports field at Montgomery Waller Community Park.

**FISCAL IMPACT:**

Total estimated cost is \$300,000 to fund design and construction of the sports field lighting. Currently, funds in the amount of \$235,000 have been appropriated to CIP-29-866.0, Montgomery Waller Community Park Sports Field Lighting by previous Council action. Appropriation of the requested \$65,000 will increase the total project cost to fully fund the project.

Herring/Oppenheim/AP

Staff: April Penner – (619) 525- 8223  
Shannon M. Thomas – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Additional Funding for Safe Routes to School - Gompers and Horton Schools.

(Encanto Neighborhoods Community Area. District 4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1200) ADOPTED AS RESOLUTION R-300488

Authorizing the City Auditor and Comptroller to transfer \$30,000 from CIP-68-017.0, School Traffic Safety, to CIP-52-724.0, Safe Routes to School – Gompers and Horton, within Fund 30300, TransNet;

Authorizing the City Auditor and Comptroller to expend \$30,000 from CIP-52-724.0, Safe Routes to School – Gompers and Horton, Fund 30300, TransNet, for construction of additional school traffic safety improvements, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Gompers Secondary School is located at the northeast corner of 47th Street and Hilltop Drive, in the Encanto neighborhood. Horton Elementary School is located in the same neighborhood along Guymon Street between Euclid Avenue and 48th Street. Both schools are situated in a high density residential area congested with traffic, and many students must cross busy collector streets while walking to school. Students are also dropped off at the sidewalks along Guymon Street and Lise Avenue, and continue to school by foot. This project provides for improvements in pedestrian safety, traffic calming, and increased crossing opportunities for students and residents within this busy area.

Eighty-percent of the project is funded by a grant from the State of California's Safe Routes to School program. The remaining twenty-percent is funded by TransNet and SANDAG. The scope of the project includes the installation of sidewalk, curb and gutter, curb ramps, stamped and colored crosswalks, and pedestrian countdown timers. In addition, the project provides for the installation of a new crosswalk at Euclid Avenue and Guymon Street. All improvements are located within one quarter mile of either school.

During construction, it was determined that additional work could be done to further enhance the traffic safety in the schools' surrounding areas, and within the vicinity of the project. Improvements will include increased number of pedestrian countdown timers, curb ramps, and

enlarged cross-walk areas. This increased funding will also pay for adjustments to contract quantities due to increases necessitated during construction. These additions will further amplify the means for students and residents to safely travel in the area, thus encompassing the original intent of the Safe Routes to School project. The work is estimated at \$30,000. Funding is available in CIP-68-017.0, School Traffic Safety.

The project is currently in construction and is ninety-percent complete, with an estimated finish date in May 2005.

**FISCAL IMPACT:**

The total cost of the project is estimated at \$577,800, of which \$547,800 is available in CIP-52-724.0- Safe Route to School - Gompers and Horton. The additional funding of \$30,000 is available in Fund 30300, TransNet, CIP-68-017.0, School Traffic Safety.

Mendes/Boekamp/DZ

Aud. Cert. 2500989.

Staff: Dave Zoumaras – (619) 533-3138  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: General Requirements Contracts IV for the Engineering and Capital Projects Department.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1178) ADOPTED AS RESOLUTION R-300489

Approving the contract documents and technical specifications for General Requirements Contract IV As-Needed construction to install street lights at various locations, and as advertised by the Engineering and Capital Projects Department-Contract Services;

Authorizing the City Manager to expend an amount no less than \$50,000 but not to exceed \$4,000,000 from CIP-37-028.0, Fund No. 30101, Undergrounding of Utilities, for the purpose of installing street lights, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Manager to execute the aforementioned construction contract with the lowest responsible and reliable bidder, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

**CITY MANAGER SUPPORTING INFORMATION:**

In October 2003, the City Council approved a master plan to underground the approximately 970 miles of overhead utilities within the City of San Diego streets and alleys. As part of the underground utility conversion projects, the City of San Diego is proposing to install additional street lights where the undergrounding of overhead utility lines occur. The street lights will enhance the security in these neighborhoods.

This action will provide for the installation of street lights at various locations which is required as part of underground utility conversion projects. Specific locations for the installation of street lights will be identified and will be approved on a task order by the task order basis.

Engineering and Capital Projects Department GRC IV will provide construction support to install street lights at various locations quickly and cost effectively. A GRC is a competitively bid, unit priced, indefinite quantity contract. An electrical contractor with the lowest price and a responsive, responsible bid will be awarded the Contract. The maximum work to be authorized for each GRC Task Order shall not exceed \$500,000 except in the case of an emergency affecting the health, safety, property, or when authorized by City Council pursuant to Municipal Code Section 22.3103 and Section 22.3104.

**FISCAL IMPACT:**

The total authorized expenditure is \$4,500,000. Funds for this purpose are available in CIP-37-028.0, Undergrounding of Utilities, Fund No. 30101.

Mendes/Boekamp/AO

Staff: Afshin Oskoui – (619) 533-3102  
Jeremy A. Jung – Deputy City Attorney

FILE LOCATION: CONT-GRC IV

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Additional Funds Request for Otay 2<sup>nd</sup> Pipeline Improvements – Alta View Replacement.

(Paradise Valley Community Area. District 4.)

**CITY MANAGER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1117) ADOPTED AS RESOLUTION R-300490

Authorizing the City Manager to expend an additional \$102,000 from Water Fund 41500, CIP-73-286.0, Otay 2<sup>nd</sup> Pipeline Improvements, and \$76,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation – Pooled Contingency, for in-house, City Forces, and contract change order costs for Sub CIP-73-286.9, Otay 2<sup>nd</sup> Improvements, Alta View Replacement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The Otay 2<sup>nd</sup> Pipeline was originally constructed to convey water 19 miles from the Otay Water Treatment Plant to University Heights Reservoir in North Park. Built from 1928 to 1930, the pipeline continues to serve as a lifeline, moving up to 20 million gallons per day north and south

between the Alvarado and Otay service areas. The primary objective of the Otay 2<sup>nd</sup> Pipeline Improvements Project is to maintain a reliable source of potable water through maintenance, repair, or replacement of the existing pipeline. The Alta View Replacement Phase is one of the eight phases of the Otay 2<sup>nd</sup> Pipeline Improvements Project. The City of San Diego as Lead Agency under CEQA prepared and completed an EIR, Project No. 5033, dated May 7, 2004, and a Mitigation, Monitoring, and Reporting Program covering this activity. This project is part of a Compliance Order mandated by the Department of Health Services, State of California, and will install approximately 1,305 feet of new 48-inch steel pipe to replace existing 36" pipe, and 1,015 feet of new 12-inch PVC pipe to eliminate the need for an existing pump station. The construction for this project was awarded to the lowest bidder, T. C. Construction of Santee, California, and Notice to Proceed for construction was issued in November 2004.

Field data submitted by the Contractor prior to 48" pipe fabrication revealed unforeseen conflicts with the proposed alignment of the new 48" pipeline requiring substantial revision to the original design. Based on the submitted information and further field investigations, the drawings were revised and additional direction was provided to the Contractor. Change Order No. 1 directed the Contractor to increase the depth of the new 48" pipeline along Alta View Drive to avoid conflicts, resulting in increases to both material and labor costs. Change Order No. 2 revised the connections to the existing 36" pipeline in Alta View Drive and Potomac Street to avoid conflict with existing utilities that were revealed. It also directs the Contractor to remove a large concrete appurtenance in Alta View Drive that was discovered, and to eliminate a manhole and related appurtenances from the original design. The combined effect of the two change orders is to increase construction duration by approximately two months.

The Water Department is seeking approval for additional funds to restore the project contingency fund (\$76,741 of the original \$80,000 contingency has been expended), to pay engineering costs to revise the original design drawings, and to cover increases in City project management, engineering, construction management, and City Forces costs due to the increased project duration.

**FISCAL IMPACT:**

Total estimated cost of this project is \$2,017,000. Per previous authorization the amount of \$1,759,000 in FY 2005, from the Water Fund 41500, CIP-73-286.9, Otay 2<sup>nd</sup> Pipeline Improvements - Alta View Replacement, and \$80,000 from the Water Fund 1500, CIP-73-331.0, Annual Allocation Pooled Contingency. The current request is for the amount of \$102,000 from the Water Funds 1500, CIP-73-286.0 Otay II Improvements and \$76,000 from the Water Fund 41500, CIP-73-331.0, Annual Allocation Pooled Contingency.

Mendes/Belock/ML

Aud. Cert. 2501003.

Staff: Vic Bienes – (619) 533-6600

John F. Kirk – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: Two actions related to Inviting Bids for the Construction of San Diego River Wetland Creation Project – Phase B (Revised).

(See memorandum from Scott Tulloch dated 11/8/2004. Mission Valley Community Planning Area. District 6.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2005-1140) TRAILED TO TUESDAY, JUNE 07, 2005

Approving the plans and specifications for the San Diego River Wetland Creation Project-Phase B (Project) for the Metropolitan Wastewater Department, on Work Order No. 754075;

Authorizing the City Manager, after advertising for bids in accordance with law, to award a contract for the Project to the lowest responsible and reliable bidder in an amount not to exceed \$528,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$528,000 from Sewer Fund 41506, solely and exclusively, for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first

furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves (BID-K05109).

Subitem-B: (R-2005-1143) TRAILED TO TUESDAY, JUNE 07, 2005

Stating for the record that the approval of the San Diego River Wetland Creation Project is a subsequent discretionary approval of the Project addressed in EIR Project No. 6020 and therefore not a separate project under CEQA Guideline Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in EIR Project No. 6020, including any comments received during the public review process, has been reviewed and considered by this Council and it is determined that this subsequent discretionary approval of San Diego River Wetland Creation Project - Phase B does not involve substantial changes or new information of substantial importance which would warrant any additional environmental review.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 11/17/2004, NR&C voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present. District 4-vacant.)

**SUPPORTING INFORMATION:**

The Metropolitan Wastewater Department (MWWd) regularly implements construction, repair, or maintenance activities in accordance with Council Policy 400-13, Planning for Management of Sewer Facilities Located in Canyons and Other Environmentally Sensitive Lands. This often requires compensatory upland and wetland mitigation for impacts to jurisdictional wetlands and timely restoration of impacts within canyons and other environmentally sensitive areas in accordance with the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Programmatic Environmental Impact Report (PEIR) and Master Permit approved July 15, 2004. Timely mitigation of impacts associated with these activities is also required under the California Environmental Quality Act (CEQA) and by regulatory agencies. Accordingly, this project is proposed to meet these requirements.



The San Diego River Wetland Creation Project involves the creation of 3.4-acres of native riparian habitat located along the southern bank of the San Diego River, west of Interstate 15, and north of Camino Del Rio North to mitigate for past and future impacts within the San Diego River Watershed resulting from the Canyon Sewer Cleaning and Long-Term Sewer Maintenance Program. The conceptual design for the project has been presented to the Mission Valley Unified Planning Committee, and the San Diego River Conservancy, and has been reviewed and approved by the Development Services Department, the Planning Department Multiple Species Conservation Program, the Park and Recreation Department, and the resource agencies.

The project will be implemented in two phases. Phase A, to be implemented under a separate contract, consists of site preparation, installation of erosion control measures, grading, and soil export and disposal. Phase B, the subject of this contract, would include finish grading, installation of an irrigation system, revegetation, and implementation of a long-term maintenance and monitoring period. A construction contract to implement the project will be advertised in accordance with the requirements of the Municipal Code and a contract would be awarded to the lowest responsible bidder.

**FISCAL IMPACT:**

Funds in the amount of \$528,000 were encumbered in FY 2004 in D.E. 2410066 for wetland mitigation. The remaining D.E. balance will be used in future actions.

Mendes/Tulloch/RG

Staff: Mike Elling – (858) 292-6477  
James W. Lancaster – Deputy City Attorney

FILE LOCATION: W.O. 754075

COUNCIL ACTION: (Time duration: 8:15 p.m. – 8:15 p.m.)

- \* ITEM-105: One Time Grant from State of California Department of Education 21<sup>st</sup> Century Community Learning Center for San Diego “6 to 6” Program at Six Faith-Based Schools.

(City Heights, Barrio Logan, Lincoln Park, Southcrest, and Linda Vista, Community Areas. Districts 3, 4, 6, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1167) ADOPTED AS RESOLUTION R-300491

Authorizing the City Auditor and Comptroller to accept the one-time State of California Department of Education 21<sup>st</sup> Century Community Learning Center (CCLC), Grant funds awarded to the City of San Diego's 6 to 6 Program, beginning July 1, 2004 through August 31, 2005;

Authorizing the City Auditor and Comptroller to establish a separate interest-bearing fund for the Grant;

Authorizing the City Auditor and Comptroller to appropriate and expend the Grant funds;

Authorizing the City Manager to negotiate and execute all agreements to expend the Grant funds.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego's "6 to 6" Program operates at a total of 178 schools in Fiscal Year 2005, which includes six (6) grant-funded faith based schools serving low income communities: Our Lady of the Sacred Heart (CD3); St. Rita's (CD4); Holy Family (CD6); Our Lady of Guadalupe (CD8); Our Lady of Angels (CD8); and St. Jude (CD8). Primary funding for these "6 to 6" sites comes from \$660,480 in federal 21<sup>st</sup> Century Community Learning Center (CCLC) grant funds that are administered by the State of California Department of Education. In December 2004, the City was notified that a one-time competitive grant opportunity was available for Fiscal 2005 and an application was submitted.

In late March 2005, staff was notified that the City had been awarded a total of \$457,596.53 for the "6 to 6" Program at the six (6) faith based schools. We are allocated \$295,500 to serve children on wait lists and summer programming, and \$162,096.53 for training and curriculum. All funds must be obligated by August 31, 2005, and an expenditure analysis is due to the California Department of Education in the fall. There is no match requirement. The funding will be split equally amongst the five schools with each school receiving \$27,016.09 (training and curriculum) and \$49,250 (provide services for students on the wait list and/or expanding the summer school program) for a total of \$76,266.09 per site.

**FISCAL IMPACT:**

This action increases the amount of federal pass-through funding from the State for San Diego's "6 to 6" Program in accordance with grants awarded directly to the City.

Frazier/Cunningham/JHD

Staff: June Dudas – (619) 236-6312  
Michael D. Neumeyer – Deputy City Attorney

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Drainage Easement Vacation in Lot 2 of Carmel Mountain Ranch Unit 23A-1, Map No. 13437.

(Carmel Mountain Ranch Community Area. District 5.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1155) ADOPTED AS RESOLUTION R-300492

Vacating the drainage easement located within Lot 2 of Carmel Mountain Ranch Unit 23A-1, Map No. 13437, to unencumber this property and facilitate development of the site, pursuant to Section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code Section 125.1001 et seq., under the procedure for the summary vacation of public service easements.

**CITY MANAGER SUPPORTING INFORMATION:**

City Council action is requested to vacate an unneeded drainage easement in Lot 2 of Carmel Mountain Ranch Unit 23A-1 Map No. 13437 as shown on Engineering Drawing No. 20269-B.

This site is located in the Carmel Mountain Ranch Community Plan area, southeasterly of Ted Williams Parkway and Rancho Carmel Drive in Council District 5.

The drainage easement being vacated was acquired by deed in 1988 at no cost to the City. The final map Carmel Mountain Ranch Unit 23A-1 granted an open space easement over all of Lot 2, which encompassed the easement. City staff has determined that the drainage facilities within this lot are private. Therefore, there is no present or anticipated future use for a City easement at this present location.

Staff recommends approval of the vacation.

**FISCAL IMPACT:**

None.

Frazier/Halbert/GRB

Staff: G. Bollenbach – (619) 446-5417  
John C. Hemmerling – Deputy City Attorney

FILE LOCATION: DEED F-9911

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:29 p.m.)

MOTION BY YOUNG TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-ineligible, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Appointment and Reappointments to the Senior Affairs Advisory Board.

(See memorandum from Mayor Murphy dated 5/25/2005, with resumes attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1249) ADOPTED AS RESOLUTION R-300493

Council confirmation of the following reappointments and appointment by the Mayor to serve as members of the Senior Affairs Advisory Board:

<b><u>REAPPOINTMENTS</u></b>	<b><u>TERM ENDING</u></b>	<b><u>CATEGORY</u></b>
Dolli Culter (Mira Mesa, Dist. 5)	May 31, 2007	Senior Services Professional
Sharon L. McColl (Del Cero, Dist. 7)	May 31, 2007	City at Large Sr. Rep.
William T. Liu (La Jolla, Dist. 1)	May 31, 2007	Senior Services Professional
Rosemary White-Pope (Encanto, Dist. 4)	May 31, 2007	City at Large Sr. Rep.

**APPOINTMENT**

Floyd I. Willis (Chula Vista) (Replaces Pamela B. Smith, who resigned)	May 31, 2006	Senior Services Professional
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Stating that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Floyd I. Willis is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as member of the Board, therefore, a conscious exception to Council Policy 000-13 is hereby declared.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Hornblower Cruises and Events 25<sup>th</sup> Anniversary Day.

**DEPUTY MAYOR ZUCCHET'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1186) ADOPTED AS RESOLUTION R-300494

Recognizing and commending the exceptional contributions that Hornblower Cruises and Events has made to the San Diego region;

Proclaiming June 21, 2005 to be "Hornblower Cruises and Events 25<sup>th</sup> Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: C.W. Dean's Record City Day.

**COUNCILMEMBER YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1212) CONTINUED TO MONDAY, JUNE 13, 2005

Recognizing the efforts of the Dean family in giving back to the community, as well as their professionalism, their kind spirit, and their passion in connecting with people through music;

Proclaiming May 31, 2005, to be "C.W. Dean's Record City Day" in the City of San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:22 p.m. – 2:23 p.m.)

MOTION BY YOUNG TO CONTINUE TO JUNE 13, 2005 IN ORDER THAT C.W. DEAN AND FAMILY MAY BE PRESENT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-110: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-808) ADOPTED AS RESOLUTION R-300495

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-111: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1078) ADOPTED AS RESOLUTION R-300496

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

**FILE LOCATION:** GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

**COUNCIL ACTION:** (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

\* ITEM-112: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-595) ADOPTED AS RESOLUTION R-300497



Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-113: Excusing Councilmember Atkins from Attending the Special City Council Meeting of May 31, 2005.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1260) ADOPTED AS RESOLUTION R-300498

Excusing Councilmember Toni Atkins from attending the May 31, 2005, Special City Council Meeting.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Discussion Regarding Funding of the Stormwater Management Services Charge Study.

(See City Manager Report CMR-05-126.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1262) ADOPTED AS RESOLUTION R-300499

Authorizing the City Manager to include \$346,834 in the Fiscal Year 2006 Budget to complete the Storm Water Management Service Charge Study, as more fully described in the City Manager Report No. 05-126.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 5/25/2005, Rules voted 4 to 0 to approve the City Manager's recommendations contained in CMR-05-126. (Councilmembers Peters, Maienschein, Madaffer, and Mayor Murphy voted yea. Councilmember Zucchet not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 8:10 p.m. – 8:15 p.m.)

MOTION BY MADAFFER TO ADOPT. Second by Young. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.



ITEM-200: Directing the City Manager to Work with the Office of the City Attorney and the Office of the District Attorney to Conduct Further Study on the Proposed Transfer of Responsibility for Prosecuting Misdemeanors to the Office of the District Attorney.

(See City Manager Report CMR-05-131.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1251) ADOPTED AS RESOLUTION R-300511, THAT THERE BE NO FURTHER STUDY OR ACTION OF ANY TYPE TO TRANSFER MISDEMEANOR CASES TO THE DISTRICT ATTORNEY, WITH DIRECTION

Directing the City Manager to work with the Office of the City Attorney and the Office of the District Attorney to conduct further study on the three issues of: (1) savings of \$2 million; (2) same or better level of service to the people of San Diego; and (3) whether it makes sense and is the right thing to do for the efficiency and effectiveness of the criminal justice system, related to the proposed transfer of the misdemeanor prosecution function from the San Diego City Attorney to the San Diego County District Attorney.

Staff: Libby Coalson – (619) 533-3454  
Catherine M. Bradley – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:36 p.m. – 5:33 p.m.)

MOTION BY YOUNG TO DIRECT THE CITY MANAGER TO ADOPT THE ALTERNATIVE IN THE MANAGER'S REPORT NO. 05-131, DATED JUNE 1, 2005, THAT THERE BE NO FURTHER STUDY OR ACTION OF ANY TYPE ON THE PROPOSAL TO TRANSFER MISDEMEANOR PROSECUTION FROM THE CITY ATTORNEY'S OFFICE TO THE DISTRICT ATTORNEY'S OFFICE, WITH DIRECTION BY COUNCIL MEMBER ATKINS THAT THE CITY ATTORNEY PROVIDE THE CITY COUNCIL WITH THE NUMBER OF CRIMINAL CASES THAT THE CITY RECEIVES FROM SAN YSIDRO AND POWAY. Second by Frye. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ITEM-250: **Notice** of Settlement of Property Damage Claims of Ferdinand and Joyce Lagasca.

(R-2005-1214)

Adopted as Resolution R-300457 on May 23, 2005.

A Resolution approved by the City Council in Closed Session on Monday, May 23, 2005, by the following vote: Peters-yea; Zucchet-not present; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the sum of \$250,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage claims of Ferdinand and Joyce Lagasca;

Authorizing the City Auditor and Comptroller to issue a check, not to exceed a total of \$250,000 made payable to the claimants named herein.

Aud. Cert. 2500997.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: **Notice** of Settlement of Property Damage Claims of Kedar & Mary Pyatt, and Lori Nettleton.

(R-2005-1165)

Adopted as Resolution R-300434 on May 17, 2005.

A Resolution approved by the City Council in Closed Session on Tuesday, May 17, 2005, by the following vote: Peters-yea; Zucchet-nay; Atkins-yea; Young-yea; Maienschein-nay; Frye-yea; Madaffer-nay; Inzunza-nay; Mayor-yea.

Authorizing the City Manager to pay the sum not exceeding \$650,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage claims of Kedar & Mary Pyatt, and Lori Nettleton;

Authorizing the City Auditor and Comptroller to issue a check, not to exceed a total of \$650,000 made payable to the claimants named herein.

Aud. Cert. 2500958.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

\* ITEM-S400: State Route 56 Camino Del Sur Interchange.

(Torrey Highlands Community Area. District 1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-1266) ADOPTED AS RESOLUTION R-300500

Authorizing and directing the City Manager to execute an agreement with DMIG, Fund 47, a California limited partnership, and for settlement of its lawsuit against the City of San Diego, under the terms and conditions set forth in the Settlement Agreement;

Authorizing the City Manager to amend the FY 2005 Capital Improvements Program by amending CIP-52-463.0 by increasing the appropriation in an amount not to exceed \$5,371,000 from Fund No. 79015, for settlement of the inverse condemnation proceedings entitled "DMIG Fund 47 v. City of San Diego" (SDSC GIC 837823) regarding the acquisition of property rights required for the State Route 56-Camino Del Sur Interchange west exit ramps.

Authorizing the expenditure of an amount not to exceed \$5,371,000 from CIP-52-463.0;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

This is to settle the Plaintiffs' inverse condemnation case for \$5,225,000 plus statutory interest. This settlement would provide payment to the property owner for the 4.61 acres of land the City used to build the State Route 56-Camino Del Sur off-ramp and settle their claim regarding the on-ramp. This matter was presented to Council in Closed Session on May 23.

**FISCAL IMPACT:**

Funds in the amount of \$5,371,000 including statutory interest are available in Torrey Highlands FBA Fund 79015, CIP-52-463.0.

Herring/Griffith/BLM

Aud. Cert. 2501048.

Staff: Lane MacKenzie – (619) 236-6050  
Claudia Gacitua Silva – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:19 p.m. – 2:27 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 8:16 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:16 p.m.)